

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	<b>INTERSTATE AGREEMENT ON</b>
	)	<b>DETAINERS ORDER</b>
vs.	)	
	)	
Cheston Dante Pendleton,	)	Case No. 1:16-cr-054
	)	
Defendant.	)	

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On November 18, 2016, defendant was arraigned in the above-entitled action. SAUSA Dawn Dietz appeared on the Government’s behalf. Attorney James Martens and appeared on defendant’s behalf.

Prior to making his appearance before this court, defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary (“NDSP”) in Bismarck, North Dakota. After the Indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, defendant was advised of his rights under the IADA to continued federal custody until the charges set forth in the Indictment are adjudicated. Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and in open court and agreed to his continued housing by the State of North Dakota (the “sending state” under the IADA) at the NDSP pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA). The United States did not object.

Accordingly, the court **ORDERS** that defendant be housed in the “sending state” under the IADA pending further proceedings or until further order of the court. Further, pursuant to defendant’s waiver, the return of the defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment.

Dated this 18th day of November, 2016.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court